REMARKS

Claims 1-3 were pending at the time of the mailing of the outstanding Office Action. By this amendment, claim 1 has been amended. New claims 4-14 have been added. Support for the new claims 6, 9, and 12 may be found in original claim 1. Support for claims 7, 10, and 13 may be found in original claim 2. Support for claim 4 may be found in the specification at paragraph 0051. Support for new claim 5 may be found in paragraph 0057. Support for claims 8 and 11 may be found in paragraphs 0038 and 0042. Support for new claim 14 may be found in paragraph 0054.

In the outstanding Office Action, the Examiner rejected claims 1-3 under 35 U.S.C. § 102(b) as being anticipated by WO91/12779 to Wolff et al (hereinafter "Wolff"). To anticipate a claim, a reference must teach all elements of the claim (MPEP § 2131). The Examiner maintains that Wolff provides a stent with a coating of a polymer carrier and a pharmaceutically active substance. The Examiner further maintains that the concentration of the substance is predetermined in the longitudinal direction such that the implant exhibits predetermined locally different elution characteristics in the longitudinal direction. The Examiner cites page 11, lines 9-26 of Wolff as supporting this contention. The Examiner further contends that weaving non-drug eluting strands with drug eluting strands to be a variance in drug concentration along the longitudinal direction of the stent.

The Applicants maintain that Wolff does not teach or suggest all of the limitations of the claims. Contrary to the Examiner's contention, Wolff does not provide a variance in drug concentration in the longitudinal direction of the stent. Wolff only provides stents woven from filaments to provide a structure that is uniform along the length of the stent. In order for Wolff's stent to deliver a variable concentration along the longitudinal direction of the stent by weaving drug eluting and non-drug eluting filaments, as suggested by the Examiner, the filaments within the weave themselves would be required to vary along their length. No such teaching or suggestion is made by Wolff. Wolff only provides for a variation in the number of drug eluting and non-drug eluting filaments, not a variation within the filaments themselves. Wolff does not, for example, provide any teaching that the concentration of a pharmaceutically

active substance is higher on one end of a filament relative to the other end, or that the concentration is higher in a middle portion of the stent compared to the ends.

Similarly, no teaching or suggestion is made by Wolff that such a woven, braided structure is non-uniform along it length. Wolff only provides a "woven braided mesh" (page 11, lines 27-28 and Fig. 1). Furthermore, the weave illustrated in Fig. 1 features a recurring, regular pattern which would provide no variation in the number of drug eluting filaments from one end of the stent to the other. Therefore, the Examiner's assertion that the woven structure of Wolff can provide a variance in drug concentration along the longitudinal direction of the stent is unsupported by the teachings of Wolff.

New claims 4-16 provide additional distinctions over Wolff. For example, Wolff provides no teaching or suggestion of a stent that varies in a morphological structure such as porosity to provide variable elution characteristics along the length of the stent, as recited in claims 6-8. Similarly, Wolff does not provide any teaching or suggestion of a stent that varies in a material modification of the carrier such as the presence of an additive which delays enzymatic breakdown of the polymer carrier to provide variable elution characteristics along the length of the stent, as recited in claims 9-11. Likewise, Wolff provides no teaching or suggestion of a stent having a polymer carrier that varies in thickness to provide variable elution characteristics along the length of the stent, as recited in claims 12-14.

Therefore, the Applicants maintain that claims 1-14 patentably distinguish over Wolff. Withdrawal of the rejection of the claims under 35 U.S.C. § 102(b) and issuance of a Notice of Allowance is respectfully requested.

The outstanding Office action was transmitted on 22 May 2007. The Examiner set a shortened statutory period for reply of 3 months from the mailing date. Therefore, no extension of time or accompanying fee is believed to be due in making this response. In this response, claims 4-14 have been added. No claims have been cancelled. As a result, 14 claims, 4 of which are independent claims, are currently pending. The Commissioner is authorized to

charge any fee required with the filing of this Response or to credit any overpayment to Deposit Account 15-0450.

Respectfully submitted,

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